

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DIST. COURT
BRUNSWICK DIV.

2005 NOV -4 P 3:48

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SD DIST. OF GA.

UNITED STATES OF AMERICA)

v.)

MOHAMMED SHAUKAT JAMAL)
ASHISKUMAR G. PATEL)
HERMANT K. PATEL)
YOGESHUMAR PATEL)
SANJAYKUMAR A. PATEL)

) CASE NO.: CR205-34

O R D E R

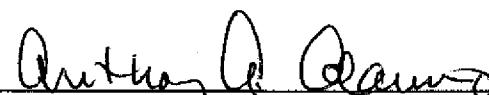
After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Defendant Sanjaykumar A. Patel ("Patel") filed Objections. The Government filed a response. In his Objections, Patel avers that he did not make a knowing and intelligent waiver of his Miranda¹ rights. Patel contends that his need for an interpreter at trial "strongly suggests that he could not have comprehended English to the degree necessary" to make "any knowing or intelligent waiver of his rights." (Def. Obj., p. 7.) There is no evidence in this case to support Patel's assertion that he "...speaks only limited, halting English and his understanding of English is severely limited." Relying on non-controlling authority, Patel argues that his Supplemental Motion to Suppress should be granted. Although language difficulties are a significant consideration when assessing a defendant's voluntary waiver of his Miranda

¹ Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed.2d 694 (1966).

rights, it is not the only consideration. The Magistrate Judge appropriately assessed the "totality of the circumstances" surrounding Patel's interview and accurately determined that he made a knowing and intelligent waiver of his Miranda rights. See Moran v. Burbine, 475 U.S. 412, 421, 106 S. Ct. 1135, 1141, 89 L. Ed.2d 410, 421 (1986).

Patel's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Patel's Supplemental Motion to Suppress is DENIED.

SO ORDERED, this 4th day of November, 2005.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA